

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1250

97TH GENERAL ASSEMBLY

4943L.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 160.518, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 160.518, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.047, 160.517, and 160.518, to read as follows:

2       **160.047. The department of elementary and secondary education shall develop a**  
3       **process and scoring guide that rewards districts by providing additional performance**  
4       **points on the school improvement program for providing free full-day kindergarten to**  
5       **students who qualify for free or reduced price lunch, students who are receiving special**  
6       **educational services under an individualized education program, and students who are**  
7       **identified by school staff as at-risk through attendance patterns, disciplinary incidents, or**  
8       **academic screening.**

2       **160.517. 1. After June 30, 2017, neither the state of Missouri nor the department**  
3       **of elementary and secondary education shall enter a contract with a company**  
4       **headquartered outside the state of Missouri for developing and implementing a statewide**  
5       **assessment, unless the in-state request for proposal for assessment is greater than the**  
6       **amount appropriated. The department shall create a question database for each Missouri**  
7       **grade-level standard from suggestions submitted by certificated Missouri teachers. The**  
8       **department shall develop a process to solicit submissions and review the questions for**  
9       **appropriateness and grade level. Nothing in this subsection shall be construed to prevent**  
10       **the required use of the ACT assessment or other existing assessment of college and career**  
11       **readiness.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2. The department of elementary and secondary education shall pilot assessments from the Smarter Balance Consortium during the 2014-15 school year for every school district and charter school in the state. The results of the statewide pilot shall not be used for high stakes accountability or public school district accreditation decisions or teacher evaluation for the 2014-15 school year.

3. The department shall undertake a process to move statewide assessments to be given online throughout the year rather than cumulatively at the end of the year or the end of the course after June 30, 2017. Until every school has the capacity to administer the assessments online, the department shall ensure that an alternative assessment is available.

4. No more than five end-of-course assessments shall be used for the determination of a district or school annual performance report or accreditation status.

5. Student data collected during the assessment process shall not exceed the amount or scope of student data collected during the 2013-14 school year.

6. Neither the department nor any entity contracting with the department for assessment shall share personally identifiable teacher or student data from assessment outside the department without written consent of the teacher, the student's parent, or the student, if the student is an emancipated minor.

7. The department may allow aggregate student or teacher data from assessment to be transmitted to an executive agency of:

(1) The federal government for purposes of determining compliance with federal mandates and programs based on child counts; or

(2) The state government for purposes of determining compliance with state mandates or for purposes of an audit.

8. School districts shall implement competency-based instruction and promotion policies and procedures for kindergarten through grade three in the 2015-16 school year. The department shall establish policies and procedures on the subject which districts may adopt.

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop **and update** a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills, and competencies adopted by [such] **the** board [pursuant to subsection 1 of section 160.514]. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity, and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The **statewide** assessment system shall neither promote nor prohibit rote memorization and shall

10 not include existing versions of tests approved for use pursuant to the provisions of section  
11 160.257, nor enhanced versions of such tests. The statewide assessment **system** shall measure,  
12 where appropriate by grade level, a student's knowledge of academic subjects including, but not  
13 limited to, reading skills, writing skills, mathematics skills, world and American history, forms  
14 of government, geography and science.

15 2. [The assessment system shall only permit the academic performance of students in  
16 each school in the state to be tracked against prior academic performance in the same school.

17 3.] The state board of education shall suggest criteria for a school to demonstrate that its  
18 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation  
19 by students in other schools in the state and nation. Exemplary levels shall be measured by the  
20 **statewide** assessment system developed pursuant to subsection 1 of this section, or until [said]  
21 **the statewide** assessment **system** is available, by indicators approved for such use by the state  
22 board of education. [The provisions of other law to the contrary notwithstanding, the  
23 commissioner of education may, upon request of the school district, present a plan for the waiver  
24 of rules and regulations to any such school, to be known as "Outstanding Schools Waivers",  
25 consistent with the provisions of subsection 4 of this section.

26 4. For any school that meets the criteria established by the state board of education for  
27 three successive school years pursuant to the provisions of subsection 3 of this section, by  
28 August first following the third such school year, the commissioner of education shall present  
29 a plan to the superintendent of the school district in which such school is located for the waiver  
30 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
31 encourage efficiency in the delivery of instructional services. The provisions of other law to the  
32 contrary notwithstanding, the plan presented to the superintendent shall provide a summary  
33 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the  
34 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail  
35 a means for the waiver of requirements otherwise imposed on the school related to the authority  
36 of the state board of education to classify school districts pursuant to subdivision (9) of section  
37 161.092 and such other rules and regulations as determined by the commissioner of education,  
38 excepting such waivers shall be confined to the school and not other schools in the district unless  
39 such other schools meet the criteria established by the state board of education consistent with  
40 subsection 3 of this section and the waivers shall not include the requirements contained in this  
41 section and section 160.514. Any waiver provided to any school as outlined in this subsection  
42 shall be void on June thirtieth of any school year in which the school fails to meet the criteria  
43 established by the state board of education consistent with subsection 3 of this section.

44 5.] 3. The score on any assessment test developed pursuant to this section or this chapter  
45 of any student for whom English is a second language shall not be counted until such time as

46 such student has been educated for three full school years in a school in this state, or in any other  
47 state, in which English is the primary language.

48 [6.] 4. The state board of education shall identify or, if necessary, establish one or more  
49 developmentally appropriate alternate assessments for students who receive special educational  
50 services, as that term is defined pursuant to section 162.675. In the development of such  
51 alternate assessments, the state board shall establish an advisory panel consisting of a majority  
52 of active special education teachers and other education professionals as appropriate to research  
53 available assessment options. The advisory panel shall attempt to identify preexisting  
54 developmentally appropriate alternate assessments but shall, if necessary, develop alternate  
55 assessments and recommend one or more alternate assessments for adoption by the state board.  
56 The state board shall consider the recommendations of the advisory council in establishing such  
57 alternate assessment or assessments. Any student who receives special educational services, as  
58 that term is defined pursuant to section 162.675, shall be assessed by an alternate assessment  
59 established pursuant to this subsection upon a determination by the student's individualized  
60 education program team that such alternate assessment is more appropriate to assess the student's  
61 knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of  
62 this section. The alternate assessment shall evaluate the student's independent living skills,  
63 which include how effectively the student addresses common life demands and how well the  
64 student meets standards for personal independence expected for someone in the student's age  
65 group, sociocultural background, and community setting.

66 [7.] 5. The state board of education shall also develop recommendations regarding  
67 alternate assessments for any military dependent who relocates to Missouri after the  
68 commencement of a school term, in order to accommodate such student while ensuring that he  
69 or she is proficient in the knowledge, skills, and competencies adopted [under section  
70 160.514] **by the state board.**

71 [8.] 6. Notwithstanding the provisions of subsections 1 to [7] 5 of this section, [no later  
72 than June 30, 2006,] the state board of education shall [administer the following adjustments to  
73 the statewide assessment system]:

74 (1) Align the performance standards of the statewide assessment system so that such  
75 indicators meet, but do not exceed, the performance standards of the National Assessment of  
76 Education Progress (NAEP) exam;

77 (2) Institute [yearly] examination of students in the required subject areas where  
78 compelled by existing federal standards, as of August 28, 2004; [and]

79 (3) Administer any other adjustments that the state board of education deems necessary  
80 in order to aid the state in satisfying existing federal requirements, as of August 28, 2004,  
81 including, but not limited to, the requirements contained in the federal No Child Left Behind Act.

82 Grade-level expectations shall be considered when the state board of education establishes  
83 performance standards; and

84 **(4) Update the statewide assessment system on an ongoing basis to conform to the**  
85 **learning standards adopted by the state board.**

86 [9. By July 1, 2006, the state board of education shall examine its rules and regulations  
87 and revise them to permit waivers of resource and process standards based upon achievement  
88 of performance profiles consistent with accreditation status.]

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